IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2779 OF 2006

Eknath Dinanath Purandare .. Petitioner

vs.

1. Suresh Janardan Purandare
   (deleted before the trial court)
2. Ramdas Janardan Purandaree
3. Dr.Sharad Janardan Purandare
   (deleted before the trial court) .. Respondents

Mr. U.P. Warunjikar for petitioner.

CORAM: B.H. MARLAPALLE, J.

Date : July 03, 2006.

P.C.:

1. Heard Mr. Warunjikar the learned counsel for the petitioner who is original defendant in S.C. Suit No. 4760 of 2000. In the said suit Chamber Summons No.1412 of 2005 was taken out by the plaintiff no.2 for the amendment of the plaint so as to delete plaintiff nos.1 and 3 on their demise and the said amendment has been allowed by the impugned order dated 14/3/2006 passed by the learned Judge of the City Civil Court, Greater Mumbai.

2. It is submitted by Mr. Warunjikar that the Trust had three trustees when the suit was filed and it was represented through all the three plaintiffs. On the demise of two of them only one plaintiff would remain and he cannot represent the Trust and the suit would, therefore, come to an end. If such is the case, the petitioner is not stopped from taking out a separate Chamber Summons/Notice of Motion for disposal of the suit and the defendant's opposition for the amendment has been rightly turned down.

3. The petition is, therefore, rejected summarily and this order would not come in the way of the petitioner to approach the trial court with a Chamber Summons/Notice of Motion for disposal of the suit.

(B.H. Marlapalle,J.)